

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                           |   |                         |
|---------------------------|---|-------------------------|
| -----                     | x |                         |
| STEFAN LUMIERE,           | : |                         |
|                           | : |                         |
| Petitioner,               | : | 18-cv-9170 (JSR) (BCM)  |
|                           | : | 16-cr-483 (JSR)         |
| -v-                       | : |                         |
|                           | : | <u>MEMORANDUM ORDER</u> |
| UNITED STATES OF AMERICA, | : |                         |
|                           | : |                         |
| Respondent.               | : |                         |
| -----                     | x |                         |

JED S. RAKOFF, U.S.D.J.

On March 23, 2022, after having reviewed the underlying motion and considered petitioner Stefan Lumiere's objections de novo, the Court adopted Magistrate Judge Barbara Moses's Report and Recommendation in the above-captioned matter and denied Lumiere's motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his resulting sentence based upon a claim of ineffective assistance of counsel. ECF No. 73.

Now before the Court is Lumiere's Rule 59(e) motion to amend the Court's judgment, ECF No. 76, which he subsequently moved to amend or correct, ECF No. 78. Lumiere effectively seeks reconsideration of the Court's March 23, 2022 Memorandum and Order, though he only restates his objections to the Report and Recommendation, which the Court has already reviewed and rejected. Because Lumiere identifies neither any controlling decisions nor any factual matters overlooked by the Court, reconsideration is not warranted. See, e.g., Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995) ("[R]econsideration

will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked . . . ."). Accordingly, Lumiere's motion is denied. The Clerk of Court is directed to close the entries at number 76 and 78 on the docket of the civil case.

SO ORDERED.

Dated: New York, NY  
May 27, 2022

  
JED S. RAKOFF, U.S.D.J.